Department of Justice Canada

2009-10

Departmental Performance Report

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Minister's Message

I am pleased to report on the achievements of the Department of Justice for 2009-2010.

Over the past year, the Department has continued to fulfill its commitment to Canada's justice system – by providing effective and responsive legal advice and services to the federal government, and by ensuring that our justice system is fair, relevant and accessible.

The dedicated public servants at the Department of Justice continue to exhibit leadership and professionalism, and have contributed significantly to the Department's progress in achieving its goals. As Minister of Justice and Attorney General of Canada, I rely greatly on the Department's support as our government pursues a legislative agenda to better protect Canadians and hold criminals accountable for their actions.

I look forward to their continued support going forward as we work to strengthen our focus on the protection of law-abiding Canadians and support for victims of crime and their families.

The Department has also been instrumental in maintaining the integrity of the justice system through developing effective policies and programs, fostering cooperation with provincial and territorial partners, and serving as the trusted representative of the interests of its client departments in Crown litigation cases.

From an administrative perspective, the Department has continued to implement initiatives that improve transparency and accountability in its management structures. These initiatives will grow in importance as our government's direction shifts from economic stimulus to expenditure restraint.

The Department of Justice is committed to ensuring that our justice system functions effectively and efficiently, and that it continues to support the priorities of the Government of Canada. I invite you to read this report for details on our performance in these areas.

The Honourable Rob Nicholson, P.C., Q.C.
Minister of Justice and Attorney General of Canada

SECTION I: DEPARTMENTAL OVERVIEW

Raison d'être

The Mission of the Department of Justice is to:

- support the Minister of Justice in working to ensure that Canada is a just and law-abiding society with an accessible, efficient and fair system of justice;
- provide high-quality legal services and counsel to the government and to client departments and agencies; and
- promote respect for rights and freedoms, the law and the Constitution.

Responsibilities

The Department of Justice is headed by the Minister of Justice and Attorney General of Canada. The responsibilities associated with the dual role of Minister of Justice and Attorney General are set out in the *Department of Justice Act* and some 49 other Acts of Parliament. The Department of Justice fulfils three distinctive roles within the Government of Canada, acting as:

- a policy department with broad responsibilities for overseeing all matters relating to the administration of justice that fall within the federal domain;
- a provider of a range of legal advisory, litigation and legislative services to government departments and agencies; and
- a central agency responsible for supporting the Minister in advising Cabinet on all legal matters, including the legality of government initiatives and activities.

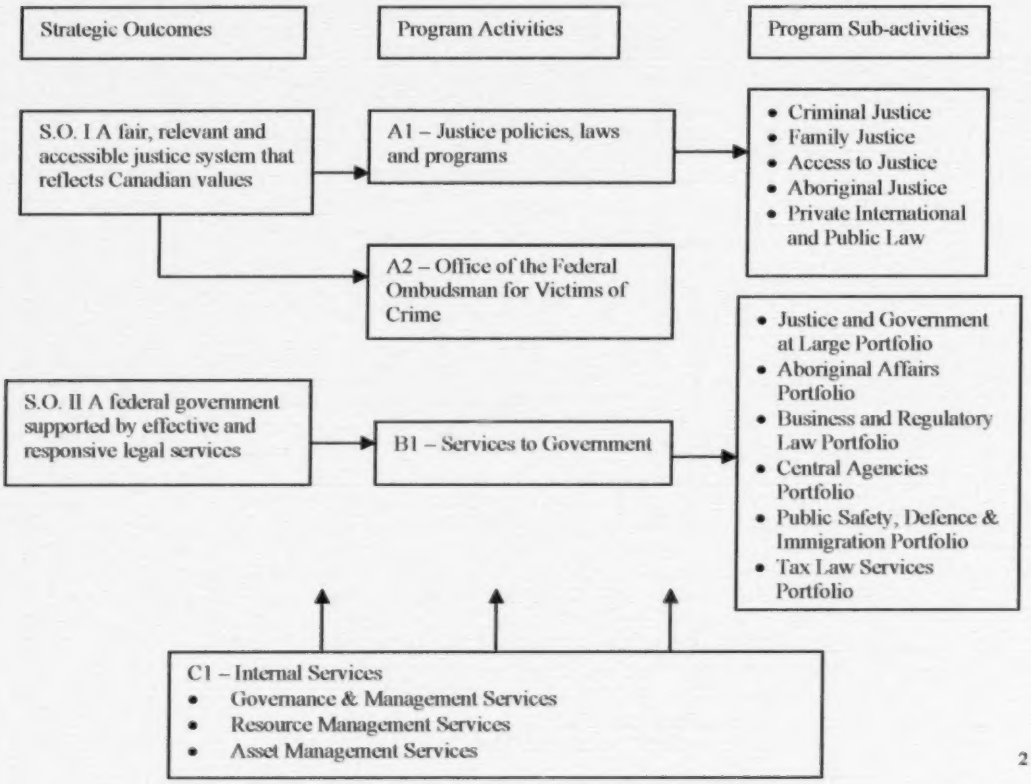
Strategic Outcomes and Program Activity Architecture (PAA)

The Department of Justice strives to attain two strategic outcomes, thereby reflecting and supporting the dual responsibilities of the Minister of Justice and Attorney General of Canada. The Minister of Justice is concerned with questions of policy, particularly as these relate to his role as a steward of the Canadian justice system. The Attorney General is the chief law officer for the Crown.

The graphic representation of the Program Activity Architecture (PAA) provided on the following page presents an overview of the activities and programs for which the Department is responsible[1]. In reflecting the link between these, it illustrates how such programs act to provide results for Canadians.

[1] The Federal Ombudsman for Victims of Crime tables annual reports to Parliament separately through the Minister of Justice. For further information regarding the Office of the Federal Ombudsman for Victims of Crime, please consult: http://www.victimsfirst.gc.ca/index.html.

Department of Justice Canada Program Activity Architecture


Strategic Outcomes
Program Activities
Program Sub-activities
S.O. I A fair, relevant and accessible justice system that reflects Canadian values
A1 – Justice policies, laws and programs
• Criminal Justice
• Family Justice
• Access to Justice
• Aboriginal Justice
• Private International and Public Law
A2 – Office of the Federal Ombudsman for Victims of Crime
S.O. II A federal government supported by effective and responsive legal services
B1 – Services to Government
• Justice and Government at Large Portfolio
• Aboriginal Affairs Portfolio
• Business and Regulatory Law Portfolio
• Central Agencies Portfolio
• Public Safety, Defence & Immigration Portfolio
• Tax Law Services Portfolio
C1 – Internal Services
• Governance & Management Services
• Resource Management Services
• Asset Management Services

[2]

Summary of Performance

2009–10 Financial Resources (in millions of dollars)

Planned Spending	Total Authorities[3]	Actual Spending
$924.5	$1,065.2	$1,027.9

[2] Although TBS directed that the Ombudsman's office be included within the DOJ PAA given that the resources for the Office are transferred from the DOJ appropriation, the Ombudsman's Office is headed by a Deputy Head who reports directly to the Minister exercising delegated authorities separate from those of the Deputy Minister of Justice Canada. The Office is not part of the Department of Justice governance framework, and therefore, it is not part of the DOJ performance measurement framework.
[3] Total authority includes Vote Net Authority of $229.4M which allows the Department to recover from other government departments and agencies some of the costs incurred to deliver legal services.

2009–10 Human Resources (in Full-time Equivalents - FTEs)

Planned	Actual	Difference
4,520	4,717	197

Strategic Outcome 1: A fair, relevant and accessible justice system that reflects Canadian values		
Performance Indicators	**Targets**	**2009–10 Performance**
• Level of confidence in the justice system	• Level of public confidence in the justice system remains stable or improves	Met - Adult Criminal Justice System: 77.5% (+1.5%) (2007 results) Youth Criminal Justice System: 71.5% (+12.5%)[5] (2008 results)
• Canada's relative international ranking with respect to fairness of the justice system	• Maintain or improve Canada's high relative international ranking on justice issues	Met - Maintained ranking in top 10[6]
• Bills and initiatives to address justice system issues	• Government agenda supported[4]	Met - 14 Bills introduced in Parliament, of which 3 received Royal Assent.[7]

(in millions of dollars)

Program Activity	2008–09 Actual Spending	2009–10[8]				Alignment to Government of Canada Outcome
		Main Estimates	Planned Spending	Total Authorities	Actual Spending	
A.1 Justice, Policies, Laws and Programs	$423.6	$403.1	$431.5	$439.3	$436.4	A Safe and Secure Canada
A.2 Office of the Federal Ombudsman for Victims of Crime	$1.4	$1.3	$1.3	$1.4	$1.3	
Total	**$425.0**	**$404.4**	**$432.8**	**$440.7**	**$437.7**	

[4] As per Department's comprehensive PAA (approved by TBS) – targets deemed not quantifiable for this indicator.
[5] National Justice Survey, 2009, Mental Health Disorders in the Criminal Justice System. http://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/justice_canada/2010/043-09-e/index.html
[6] Ranking of 10th according to World Competitiveness Survey 2010 Yearbook – Survey Question within Government Efficiency – Societal Framework – "Justice is fairly administered" – overall score of 8.09 on an index from 0-10.
[7] This number represents the total number of bills and initiatives pertaining solely to SO 1: A fair, relevant and accessible justice system that reflects Canadian values. 8 were later reintroduced in 2010-2011
[8] Commencing in the 2009-10 Estimates cycle, the resources for Program Activity: Internal Services is displayed separately from other program activities; they are no longer distributed among the remaining program activities, as was the case in previous Main Estimates. This has affected the comparability of spending and FTE information by Program Activity between fiscal years.

Strategic Outcome II: A federal government supported by effective and responsive legal services	
Performance Indicators	**2009–10 Performance**[9]
• Levels of effort (number of files, time) devoted to three types of legal services provided: civil litigation, advisory and legislative/regulatory drafting	Met • 3,330 Legislative Files: 271,011 hours • 35,125 Advisory Files: 1,438,983 hours • 41,233 Litigation Files: 1,665,079 hours • Total Actively Managed Files: 79,688 files • Total Level of Effort Actively Managed Files: 3,375,073 hours
• Risk management of litigation inventory (level of effort by risk)	Met • 30% of total effort on actively managed inventory assessed as high risk (level 6, 8, 9) • 41% of total effort on actively managed inventory assessed as moderate risk (level 3, 5, 7) • 29% of total effort on actively managed inventory assessed as low risk (level 1, 2, 4)
• Use of alternative dispute resolution to resolve disputes	Met Number of litigation files closed through: • Adjudication – 9,679 (63%) • Settlement – 3,827 (25%) • Administratively – 1,918 (12%)

Note: All data extracted from Departmental timekeeping and case management systems

(in millions of dollars)

Program Activity	2008–09 Actual Spending	2009–10[10]				Alignment to Government of Canada Outcome
		Main Estimates	Planned Spending[11]	Total Authorities[12]	Actual Spending	
B.1 Services to Government	$512.6	$184.5	$381.3	$509.6	$442.7	Well managed and efficient Government operations
Total	**$512.6**	**$184.5**	**$381.3**	**$509.6**	**$442.7**	

[9] As per PAA approved by TBS, targets not quantifiable for these performance indicators

[10] Commencing in the 2009-10 Estimates cycle, the resources for Program Activity: Internal Services are displayed separately from other program activities; they are no longer distributed among the remaining program activities, as was the case in previous Main Estimates. This has affected the comparability of spending and FTE information by Program Activity between fiscal years.

[11] Planned Spending includes anticipated legal services costs of $205M for the provision of legal services to other government departments and agencies.

[12] Includes Net Voting Authority of $229.1M some of which will be realigned to Program Activity Internal Services in fiscal year 2010-2011 to more appropriately align revenues to costs.

In addition to and in support of these Strategic Outcomes, the Department allocates significant financial and human resources to Program Activity C1: Internal Services.

C.1 Internal Services (in millions of dollars)

Program Activity	2008–09 Actual Spending	2009–1010			
		Main Estimates	Planned Spending	Total Authorities[13]	Actual Spending
C1: Internal Services[14]	N/A	$100.5	$110.4	$114.9	$147.5
Total		**$100.5**	**$110.4**	**$114.9**	**$147.5**

Contribution of Priorities to Strategic Outcomes

Operational Priorities	Type	Status	Linkages to Strategic Outcome(s)
Develop law reform proposals in support of safe and secure communities	Previously commited	Met all: 14 law reform bills introduced in Parliament	SO I – Fair, relevant and accessible justice system • Government agenda supported through legislation, policies and program initiatives
Directly and indirectly support implementation of government priorities through the provision of high-quality legal services	Ongoing	Met all: • Total number of actively managed files: 79,688 • Total number of hours: 3,375,073[15]	SO II – Effective and responsive legal services • Government agenda supported through legislative, litigation and legal advisory services
Management Priorities			
Implement the Departmental Law Practice Model and transform the delivery of legal services by: creating efficiencies in the management of resources devoted to the delivery of legal services across government through closer monitoring and matching of assigned work based on legal	New	Mostly met: Department has begun implementation of the Model – full implementation anticipated by end of 2011-12.	SO II – Effective and responsive legal services • Department supported client departments and agencies with effective and efficient use of resources.

[13] The Authorities do not include the Internal Services costs related to the provision of legal services to other government departments. The total spending, however, includes that portion of the revenues collected by the Department under the Net Vote Authority associated with the total authorities for Program Activity B1 Services to Government. Net Vote Authority will be realigned from Program Activity "Services to Government" in fiscal year 2010-2011 to more appropriately align revenues to costs.

[14] Starting in 2009-2010, departments are required to report Internal Services separately. In previous years, funding for Internal Services was embedded in Strategic Outcomes I and II.

[15] Data extracted from iCase system.

practitioner competencies			
Improved support for law practice management across government	Ongoing	Met all - Department implemented service standards and provided tools, a process and guidance to facilitate the first year of implementation of standardized Memorandum of Understanding for the provision of legal services to other government departments and agencies and is developing enhanced tools for knowledge management, legal risk management, dispute prevention and resolution and quality assurance	SO II – Effective and responsive legal services • Department supporting client departments and agencies with effective and efficient use of resources.
Renewal of our legal practitioner work force	Previously commited to	Met all - Exceeded targets for recruitment in all areas	SO I – Fair, relevant and accessible justice system SO II – Effective and responsive legal services

Risk Analysis

The Department of Justice operates in an environment where its success in achieving its Strategic Outcomes is dependent on support and commitment from partners on many fronts including those who deliver programs and services directly to Canadians. As well, most of its achievements under Strategic Outcome II are in support of other client departments and agencies. Thus, as noted in the 2009-10 Report on Plans and Priorities, there are risks specific to the achievement of each of the Department's Strategic Outcomes. Our performance in regards to our priorities illustrates to some extent how we mitigated the risks identified in the RPP. Further details are outlined in the following section.

Risks in Relation to the Provision of Legal Services

1. Recruitment and Retention

As part of its identified risk mitigation plan, and in conjunction with the integrated business planning cycle, the Department included the development and implementation of human resources and staffing plans to address specific needs with regard to legal skills and expertise at the portfolio/regional level. As a result of this process, 249 new employees were hired into the Law Group, in numbers which significantly exceeded workforce availability for women,

Aboriginal Persons, persons with disabilities and visible minorities. Of those new hires, 153 were entry level counsel and 64 were articling students that were recruited and developed through the departmental Legal Excellence Program. The recruitment supported departmental renewal efforts as well as operational efficiencies and effectiveness of our legal services and policy programs.

In this vein, the Department developed a three year Employment Equity (EE) Plan (2010-13) that includes both quantitative and qualitative commitments aligned with the Public Service People Management Framework (i.e. workforce, workplace and leadership), as well as supporting the Clerk of the Privy Council's priority of renewing the workplace.

As well, numerous learning activities were offered in the area of continuing legal education to enhance the knowledge and skills of counsel. All core legal education activities became available across the country by videoconference, resulting in more than double the attendance from the previous year to over 3,300 participants.

2. Rapidly evolving nature and complexity of substantive issues and priorities of Government and the associated need for legal services

As noted in the RPP, the Department is implementing its Law Practice Model (LP Model) in order to address the changing nature of its work. Over the reporting period, a number of working groups were created and mandated to explore various means to enable the Department to implement the LP Model and to identify efficiencies in the management of resources devoted to the delivery of legal services. On-going monitoring of LP Model targets showed that at fiscal year-end, the Department was at 65.4% of meeting the LA-01 target; 92.8% of the LA-2A target and 80.2% target for LA-2Bs and above[16].

The Department is also incorporating practices such as gender-based analysis which helps ensure that all aspects of its work have intended and equitable results for both men and women. In November 2009, the Gender-based Analysis (GBA) Unit was created. The GBA Unit is tasked with developing tools and resources to help employees better integrate GBA into their work; developing and delivering training on the application of GBA; and providing GBA advice and guidance to all employees, especially with respect to meeting the GBA requirements set out by the Central Agencies.

Counsel in the legal services units of client departments and agencies also work closely with their clients to identify legal risks, and to jointly develop mitigation strategies. For example, counsel in the Aboriginal Affairs Portfolio developed strategic, cross-cutting and proactive approaches to support the Department of Indian Affairs and Northern Development to facilitate resolution of outstanding claims, obtain settlement mandates, and/or mitigate legal risks and contingent liabilities with respect to a broad range of Aboriginal issues, including with respect to the scope of the Crown's duty to consult within the context of modern treaties. Another example is found in the Tax Law Services Portfolio which implemented a new settlement protocol with the Canada Revenue Agency's Appeals Branch to enable counsel to be more pro-active in early case resolution. The Portfolio also engaged in discussions with stakeholders, including tax practitioners and the court, to develop approaches to promote the expeditious settlement of cases.

[16] Data extracted from Departmental SMS system as at March 31st, 2010.

3. Capacity to address the rapid changes in law practice management

In pursuit of mitigation strategies for this risk area, the Department focussed on developing and enhancing tools and systems to support effective knowledge management, legal risk management and quality assurance. One example is that the Department launched a phased project to develop performance measurement tools for Alternative Dispute Resolution initiatives. In 2009-2010 the Dispute Prevention and Resolution Division (DPRD) led a multi-disciplinary working group and conducted analysis of the federal experience in mediation by comparing results of civil litigation files in various jurisdictions regarding mandatory mediation processes. This analysis is the first phase upon which work in future years towards the development of performance measures will be based.

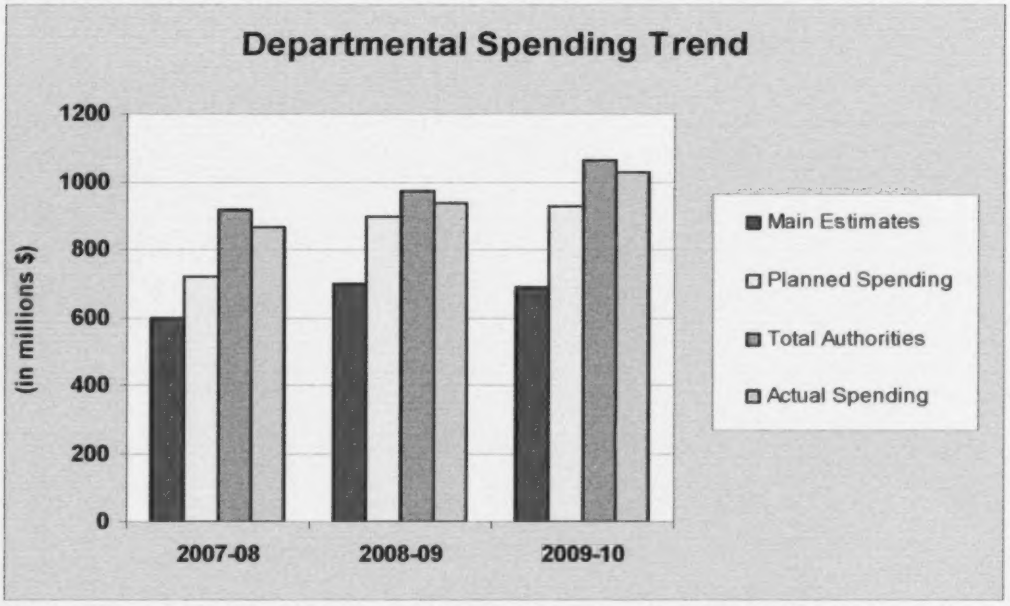
Risks in relation to Justice policies, laws and programs

1. Increasingly complex and interrelated nature of the issues and pressures for which Canadians rely on the justice system

As noted in our RPP, to mitigate risks in this area, the Department works closely with others, including police, the judiciary, provincial governments, and non-governmental and community based organizations to develop innovative ideas about how to improve access to justice, while respecting Canadians' diverse nature and needs. Examples of this include the Department's continued investment in the Aboriginal Courtwork Program where Aboriginal Courtworkers employed by over 20 different service delivery agencies across Canada, provided culturally appropriate services to 51,555 adults and 10,534 youth. As well, the Department also provided funding to ten police forces to develop directories and databases of community programs to which youth could be referred.

Expenditure Profile

As seen in the chart on the next page, Justice has experienced an increase in spending from 2007-2008 to 2009-2010. This constant growth is primarily the result of increasing demand for legal advisory, litigation and legislative services from other government departments and agencies, in addition to transfers to provinces and territories. The Department of Justice total Main Estimates include Net Voting Authority of $178.0M, which was increased to $215.0M through the Supplementary Estimates B Process, which allows Justice to spend revenues generated from the provision of Legal Services to other government Departments.



In 2008-2009, the Department's year-over-year spending increased by $51M. These additional costs supported the implementation of programs to promote access to the justice system in both official languages, to provide legal aid for those facing charges under the *Public Safety and Anti-Terrorism Act,* and to support the National Anti-Drug Strategy.

In 2009-10, the increase in spending for Justice was primarily due to an arbitral award resulting in $40M additional spending to cover mandatory retroactive compensation for counsel from fiscal years 2006-07 to 2008-09 and current year increases for 2009-2010. Additional funding was also received for the Justice Training Component of the Initiative in Support of Access to Justice in Both Official Languages ($3.2M). The increased demand for legal services by other government departments is also responsible for the growth in spending for Justice.

Voted and Statutory Items[17]

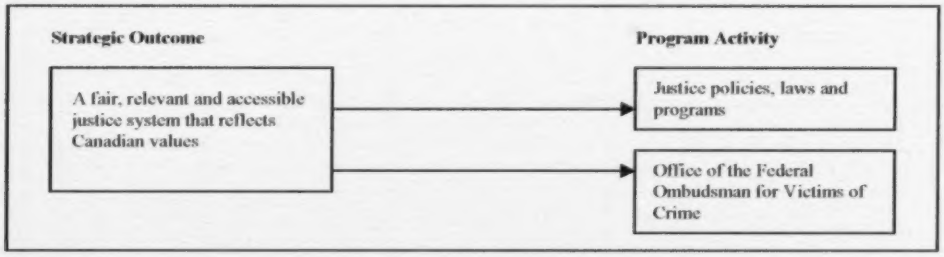
(in millions of dollars)

Vote # or Statutory Item (S)	Truncated Vote or Statutory Wording	2007–08 Actual Spending	2008–09 Actual Spending	2009–10 Main Estimates	2009–10 Actual Spending
1	Operating expenditures	$268.38	$299.80	$257.39	$334.51
5	Grants and contributions	$362.25	$374.40	$370.56	$384.93
(S)	Contributions to employee benefit plans	$55.43	$62.71	$61.40	$78.73
(S)	Minister of Justice—Salary and motor car allowance	$0.07	$0.08	$0.08	$0.08
	Total	**$686.13**	**$736.99**	**$689.43**	**$798.25**

[17] All amounts exclude the funds provided under Net Voting Authority or respendable revenue. An amount in respendable revenue of $182M in 2007-08, $200.5M in 2008-09 and $229.4M are excluded of the actual spending. The 2009-10 Main estimates excludes Net Voting Authority of $178M.

SECTION II: ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

Strategic Outcome I: A fair, relevant and accessible justice system that reflects Canadian values


Strategic Outcome
A fair, relevant and accessible justice system that reflects Canadian values
Program Activity
Justice policies, laws and programs
Office of the Federal Ombudsman for Victims of Crime

Ensuring a fair, relevant and accessible justice system that reflects Canadian values requires an integrated network of partnerships and participation of a broad range of stakeholders including, at the federal level – Parliament, the judiciary, and federal departments and agencies; provincial, territorial and municipal levels of government; a broad range of non-governmental organizations and stakeholders; and, most importantly, 34 million Canadians.

Three expected results illustrate what the Department strives to achieve in support of this Strategic Outcome:

1. The Department continually responds to the evolving legal framework.
2. Policies and laws are developed in response to identified needs and gaps.
3. Programs are developed and implemented in response to identified needs and gaps, and are integrated with Government of Canada priorities and commitments.

Two Program Activities contribute to the achievement of these expected results: Justice policies, laws and programs, and the Office of the Federal Ombudsman for Victims of Crime.

Program Activity A1: Justice policies, laws and programs					
2009–10 Financial Resources ($ millions)			2009–10 Human Resources (FTEs)		
Planned Spending	Total Authorities	Actual Spending	Planned	Actual	Difference
$431.5	$439.3	$436.4	298	356	58

Program Activity A.1: Justice policies, laws and programs

Under Canada's federal system, the administration of justice is an area of shared jurisdiction between the federal government and the provinces. Through this Program Activity, the Department fulfills its constitutional responsibility to ensure a bilingual and bijural national legal framework for the administration of justice by developing policies, laws and programs to strengthen the national framework. The Department's focus is in five core domains which include: criminal justice (which includes youth justice and victims of crime), family justice, access to justice, Aboriginal justice and private international and public law.

In addition, in view of the federal government's shared interest in a sustainable justice system, the Department provides significant ongoing funding to provinces and territories for the delivery

of programs that directly support federal policy objectives, including legal aid, youth justice services, and Aboriginal justice services.

Expected Results	Performance Indicators[18]	Performance Status	Performance Summary
Maintain a sustainable national justice system	Trends in the crime index	Met	Crime Severity Index (CSI) declined by 4% in 2009. Overall Crime Rate declined by 3%. Violent CSI declined by 1% Violent Crime Rate declined by 1% Youth CSI declined by 2% Youth Violent CSI remained stable
	Trends in per capita spending by all levels of government in Canada on the justice system	Met	Details about Departmental spending in support of sustainable justice system are found in the on-line tables at: http://www.tbs-sct.gc.ca/dpr-rmr/2009-2010/index-eng.asp
	Trends in lag time from charges to court resolution	Met	Mean average number of days declined from 261 to 232[19]

Benefits to Canadians

Canadians rely on the justice system to prescribe the balance between collective and individual rights and responsibilities that ensure a safe, secure and resilient society. The justice system affects almost every facet of Canadians' daily lives from guiding everyday activities that ensure our safety, to supporting social policies and social benefits, regulating our economy, and offering ways to resolve disputes peacefully where there are disagreements or conflicts between individuals, organizations or governments.

As the administration of justice is shared between jurisdictions, the Department of Justice works in partnership with federal departments and agencies, the Provinces and Territories, municipal governments and a broad range of non-governmental organizations and stakeholders to ensure that justice policies, laws and programs balance collective and individual rights and responsibilities with the aim of ensuring a safe, secure and resilient society.

[18] Targets have not been established for these performance indicators – as per the Department's PAA, the objective is to establish baselines and monitor trends – therefore the performance summary notes year-over-year changes.
[19] Source Department of Justice Research and Statistics Division – derived from Statistics Canada data.

The Department seeks to enhance community involvement through programs and consultative mechanisms in addressing key issues related to youth justice, family justice and Aboriginal justice. The Department also seeks through programs to enhance support for victims of crime to enable them to participate effectively in the justice system. The Department's work in support of criminal law reforms is aimed at addressing gaps and priorities identified by the public, the law enforcement community, and the Provinces and Territories. The Department also works closely with the Provinces and Territories to modernize and streamline family justice tools and to address gaps and identified issues in the national legal framework. As well, the Department works with international partners to address, through policy and legal reform activities, global crime and terrorism in order to enhance the safety of Canadians here and abroad while respecting the values of democracy, human rights and the rule of law.

Performance Summary

The Department was actively engaged in supporting the Minister's legislative agenda. During the reporting period, 14 Bills were introduced in Parliament[20] and three of the 14 Bills received Royal Assent. Bill C-14, an *Act to amend the Criminal Code*[21], amended the *Criminal Code of Canada* in order to enhance the capacity of the criminal justice system to address organized crime. The provisions of the *Act* modernized Canada's efforts to deal with this issue effectively, in addition to prioritizing the protection of justice system participants. Bill C-25, an *Act to amend the Criminal Code*[22] – also known as the *Truth in Sentencing Act* – limited the credit that convicted offenders receive for time spent in pre-sentencing custody and Bill S-4, an *Act to amend the Criminal Code*[23] addressed the offence of identity theft and related misconduct. This *Act* modernized Canada's efforts to deal with growing areas of criminal activity.

As well, the Department continued to support the Minister in reviewing the approach to addressing youth justice issues. The Department convened an experts' roundtable meeting on youth gangs, a national workshop for police identifying mental health resources for youth, and a roundtable on the implications of youth cognitive development.

The Department was also active in supporting community-level initiatives to address youth justice issues. In 2009-2010, the Department focused its efforts in three areas: youth gangs; drug treatment for youth in conflict with the law; and youth in conflict with the law with Fetal Alcohol Spectrum Disorder, or youth with mental health concerns. Among other projects, the Department provided funding to ten police forces to develop directories and databases of

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[20] Of the 14 Bills that were developed, 11 died on the order paper at prorogation. These included: Bill C-26, *An Act to amend the Criminal Code (auto theft and trafficking in property obtained by crime)*; Bill C-31, *An Act to Amend the Criminal Code, the Corruption of Foreign Public Officials Act and the Identification of Criminals Act and to make consequential amendments to another Act*; Bill C-42, *An Act to amend the Criminal Code (Ending Conditional Sentences for Property and Other Serious Crimes Act)*; Bill C-46, *An Act to amend the Criminal Code, the Competition Act and the Mutual Legal Assistance in Criminal Matters Act (Investigative Powers for the 21st Century Act)*; Bill C-36, *An Act to amend the Criminal Code (Serious Time for the Most Serious Crime Act)*; Bill C-54, *An Act to amend the Criminal Code and to make consequential amendments to the National Defence Act (Protecting Canadians by Ending Sentence Discounts for Multiple Murders Act)*; Bill C-55, *An Act to amend the Criminal Code (Response to the Supreme Court of Canada Decision in R. v. Shoker Act)*; and, Bill C-58, *An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service (The Child Protection Act (Online Sexual Exploitation))*

[21] Royal Assent – June 23rd, 2009

[22] Royal Assent – October 22nd, 2009

[23] Royal Assent – October 22nd, 2009

community programs to which youth could be referred; supported the organization of 21 regional conferences on gang-involved youth; and funded a variety of community based programs dealing with, for example, Aboriginal youth gangs and providing training for volunteers in the youth justice system.

The Department of Justice provided effective leadership to the implementation and coordination of the horizontal National Anti-Drug Strategy (NADS). The Department supported the process for Parliamentary consideration of a Government Bill to address serious drug crimes and collaborated with partner departments to conduct the Implementation Evaluation and to develop an agreed-upon management response, including action plans for follow-up on the three recommendations flowing out of the evaluation. The evaluation found that all policy and program components of the Strategy across 12 departments and agencies have been implemented with the exception of the proposed Mandatory Minimum Penalty (MMP) legislation. In addition, the Department oversaw NADS involvement in the development of a new Hemispheric Drug Strategy at the Organization of American States. The Department also extended program funding for six Drug Treatment Courts until 2012.

In terms of spending in support of a sustainable justice system[24], the Department continued to provide funding to the Provinces and Territories to assist with the costs of youth justice services that support federal youth justice policy objectives and are essential to the ongoing successful implementation of the *Youth Criminal Justice Act*. Despite a capping of federal funding at 2006/07 funding levels, all jurisdictions continue to provide the same range of high priority youth justice services as in previous years.

The Department also continued to support access to justice by providing program funding to the Provinces and Territories to assist them in the delivery of legal aid programs aimed at providing legal assistance to economically disadvantaged individuals facing serious criminal charges. In 2009-10, the Department contributed $111.9 million among all 13 jurisdictions for criminal legal aid. In addition, $17.5 million in interim funding for immigration and refugee legal aid was provided through the Department to the six participating provinces (British Columbia, Alberta, Manitoba, Ontario, Quebec and Newfoundland and Labrador).

In support of Victims of Crime, the Department spent $248,695 for 346 victims and 89 support persons to attend National Parole Board hearings and spent $210,702 in direct funding for 57 Canadians victimized abroad. In terms of grants and contributions, $2,623,659 was spent to fund a wide range of stakeholders for 67 projects including training events, program evaluations, research, and community activities. Provinces and Territories received $1,827,416 to help meet the needs of under-served victims of crime and/or to help support victims in attending sentencing hearings and in submitting their Victim Impact Statements.

The Department also actively supported families, responding to 23,671 tracing applications from provincial maintenance enforcement programs to locate debtors in default of child support obligations, and garnisheeing $168 million and providing it to Provinces and Territories for distribution to families. This amounted to a $26 million dollar increase from the previous year ($142 million).

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[24] Further details about Departmental spending on programs can be viewed in the on-line transfer payment program tables: *http://www.tbs-sct.gc.ca/dpr-rmr/2009-2010/index-eng.asp*

Through the Aboriginal Justice Strategy, which enables Aboriginal communities to have increased involvement in the local administration of justice, the Department also supported 142 community-based programs and 47 capacity building projects serving 400 Aboriginal communities across Canada, and through the Aboriginal Courtwork Program, provided funding to enable the delivery of services to over 51,555 Aboriginal adults and 10,534 Aboriginal youth.

Further details of results achievements at the program sub-activity level can be obtained in the on-line results summary at the following link: http://www.justice.gc.ca/eng/dept-min/pub/dpr-rr/2010/perfsumm-sommperf.html.

Lessons Learned

The Department continues to track a number of important indicators such as the Crime Severity Index as well as the Crime Rate. Some of these indicators can help to illustrate how the Department's work can influence outcomes. For example, legislation passed in 2008 to strengthen the law governing impaired driving – either through drugs or alcohol - received Royal Assent. According to the Police Reported Crime Statistics in Canada, in 2009, police reported 1,438 incidents of drug-impaired driving which account for about 2% of all impaired driving offences.[25]

It is also important to note that while the overall crime severity index has declined, as has the overall crime rate, there are areas that have seen increases in some types of crime. Moving forward, this information then allows the Department to be strategic in aligning its resources with programs and initiatives that are likely to have greater impact.

[25] Police-reported crime statistics in Canada, 2009, Statistics Canada, p.21.

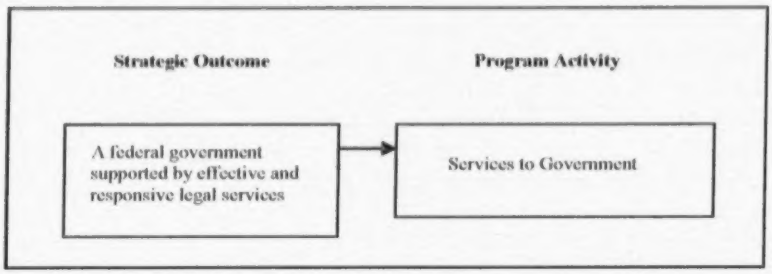
Program Activity A2: Office of the Federal Ombudsman for Victims of Crime[26]					
2009–10 Financial Resources ($ millions)			2009–10 Human Resources (FTEs)		
Planned Spending	Total Authorities	Actual Spending	Planned	Actual	Difference
$1.3	$1.4	$1.3	8	10	2

Expected Results	Performance Indicators	Targets	Performance Status	Performance Summary
The mandate of the Federal Ombudsman for Victims of Crime relates exclusively to matters of federal responsibility and includes: • Facilitating access to victims to existing federal programs and services by providing them with information and referrals; • Addressing complaints of victims about compliance with the provisions of the *Corrections and Conditional Release Act* that apply to victims of offenders under federal supervision and providing an independent resource for those victims; • Enhancing awareness among criminal justice personnel and policy makers of the needs and concerns of victims and the applicable laws that benefit victims of crime, including to promote the principles set out in the *Canadian Statement of Basic Principles of Justice for Victims of Crime*; • Identifying emerging issues and exploring systemic issues that impact negatively on victims of crime.				

For further information regarding the activities of the Federal Ombudsman for Victims of Crime, please see the site at: http://www.victimsfirst.gc.ca/

[26] Although TBS directed that the Ombudsman's office be included within the DOJ PAA given that the resources for the Office are transferred from the DOJ appropriation, the Ombudsman's Office is headed by a Deputy Head who reports directly to the Minister exercising delegated authorities separate from those of the Deputy Minister of Justice Canada. Given that the Office is not part of the Department of Justice governance framework, it is not part of the DOJ performance measurement framework.

Strategic Outcome II: A Federal government supported by effective and responsive legal services


Strategic Outcome
Program Activity
A federal government supported by effective and responsive legal services
Services to Government

Under the *Department of Justice Act*, the Minister of Justice and Attorney General provides legal services to the federal government and its departments and agencies. Under section 4 of the *Act*, the Minister is the legal member of the Queen's Privy Council responsible for seeing that the administration of public affairs is in accordance with the law. Additionally, under section 4.1, the Minister is responsible for drafting and reviewing all government regulations prior to registration to ensure conformity with the *Statutory Instruments Act* and all government bills prior to tabling in Parliament to ensure that the bills are not inconsistent with the *Charter of Rights and Freedoms*. Under section 5 of the *Act*, the Attorney General is responsible for advising the heads of government departments on all matters of law and for conducting all litigation for any federal department or agency of the Crown in respect of any subject within the authority or jurisdiction of Canada.

Program Activity B.1 Services to Government

The delivery of an integrated suite of legal advisory, litigation and legislative services through six portfolios is supported through:

- specialized legal capacities
- a network of 42 departmental legal services units (DLSUs) and 4 departmental regulation drafting sections, which are co-located with client departments and agencies; and
- a network of regional offices and sub-offices providing local level services to federal departments and agencies in the North, British Columbia, the Prairies, Ontario, Quebec, and the Atlantic provinces.

Program Activity B. 1 Services to Government					
2009–10 Financial Resources ($ millions)			2009–10 Human Resources (FTEs)		
Planned Spending	Total Authorities[27]	Actual Spending	Planned	Actual	Difference
$381.3	$509.6	$442.7	2,702	3,176	474[28]

[27] Includes Net Voting Authority of $229.1M some of which will be realigned to Program Activity "Internal Services" in fiscal year 2010-2011 to more appropriately align revenues to costs.

[28] Note: Variance between planned and actual FTEs is primarily attributable to an increased demand for legal services by other government departments and a realignment of FTEs to more accurately reflect the distribution by PAA as a result of recent requirements to report on Internal Services.

Expected Results	Performance Indicators	Performance Status	Performance Summary
Representing the Crown's interest to enable the government to attain its priorities	Trends in Crown results for litigation files – final litigation outcome indicators	Met: There has been a year over year increase in the volume of litigation files resolved during the reporting period (1674 more files resolved)	Of all adjudicated proceedings **initiated by the Crown** (in court or tribunal), 88% were allowed Of all adjudicated proceedings **initiated against the Crown** (in court or tribunal), 70% were disallowed
	Profile of major Supreme Court of Canada (SCC) cases	Met: The Department was involved in 16 of the 58 SCC appeals for which decisions were rendered (3 less than previous year)	Of the 16 judgements, the Department was: - an appellant in 4 cases - a respondent in 4 cases - an intervener in 8 cases
Comprehensive delivery of the Government's legislative agenda	Trends in number of bills introduced in Parliament	Met: There was an 18% increase in the number of bills introduced in Parliament over the previous reporting period	During the reporting period, the Department drafted 58 bills (+10) that were introduced by Government in Parliament
	Trends in the number of Regulations published in the *Canada Gazette*	Met: There was a 78% increase in the number of Regulations published in Part I of the Canada Gazette There was a 29% decrease in the number of Regulations published in Part II of the Canada Gazette	Part I of the Canada Gazette: 2009-2010: 73 (increase of 32) Part II: 2009-2010: 126 (decrease of 50)
	Trends in the number of government responses to private members bills	Met: In 2009-2010, 77 motions to amend in respect of 9 private members' bills reviewed	Number of Motions: declined by 31 Number of Bills: declined by 3

Client-focused service delivery	Client feedback on legal services (target 8.0 out of 10)[29]	Exceeded: The Department exceeded targets for overall client satisfaction with legal services	Client Feedback overall quality of services: 8.3/10 for Advisory 8.3/10 for Litigation 8.5/10 for Legislative 8.4/10 for Regulatory

Benefits to Canadians

The Department's activities with regards to the delivery of legal services are aligned with the Government Affairs spending area outlined in *Canada's Performance Report.* Specifically, the Department continues to contribute to the "well managed and efficient Government operations" outcome area. Listed below are examples of how the Department also supports other departments and agencies in achieving their Strategic Outcomes and in delivering the Government's policy and legislative agenda.

Government Affairs

In support of this outcome area, the Department provides ongoing support for the Minister of Justice and the Clerk of the Privy Council in relation to the legal examination of bills and regulations under the *Department of Justice Act* and the *Statutory Instruments Act* and on the assessment of associated legal risks.

Economic Affairs

The Department contributed to Economic Affairs by providing drafting and legal advisory services in support of Government's response to the global recession. In particular, it drafted the second Bill to implement the 2009 Budget (C-51), entitled *Economic Recovery Act (stimulus)*, designed to facilitate stimulus measures to deal with the economic crisis of 2008-09 and to protect financial services consumers as well as the bill to implement the 2010 Budget, entitled *Jobs and Economic Growth Act* (C-9). It consisted of nearly 900 pages and included amendments to over 75 Acts and one new Act (*Payment Card Networks Act*).

The delivery of legislative services also supported income security and employment for Canadians and strong economic growth by drafting legislative and regulatory improvements to various pension and social benefits programs, notably those relating to veterans, employment insurance, student financial assistance and employees of Air Canada.

In support of a clean and healthy environment, the Department drafted legislative and regulatory measures to enhance the effectiveness of environmental protection legislation and address climate change.

[29] The Client Feedback Survey on the delivery of legal services uses a likert scale from 1 – 10 where 8.0 represents a very positive opinion of the quality of legal services. Cycle II which began in 2009-10 includes 23 depts. and agencies to date and has seen a 54% response rate.

Social Affairs

In support of initiatives to improve the health of Canadians, the Department drafted legislation to amend the *Tobacco Act* and also drafted legislation to address issues relating to family real property on reserves in support of promoting individual security through affordable housing,

With respect to the outcome area of a vibrant Canadian culture and heritage, the Department drafted Bill C-37 which establishes the boundaries of Gatineau Park and enhances and clarifies the National Capital Commission's powers and responsibilities, including powers regarding real estate transactions and responsibilities regarding official residences. It also drafted Bill C-38 which amends the *Canada National Parks Act* with the aim of protecting ecosystems and resulted in the enlargement of Nahanni National Park Reserve of Canada, creating one of the world's largest national park reserves.

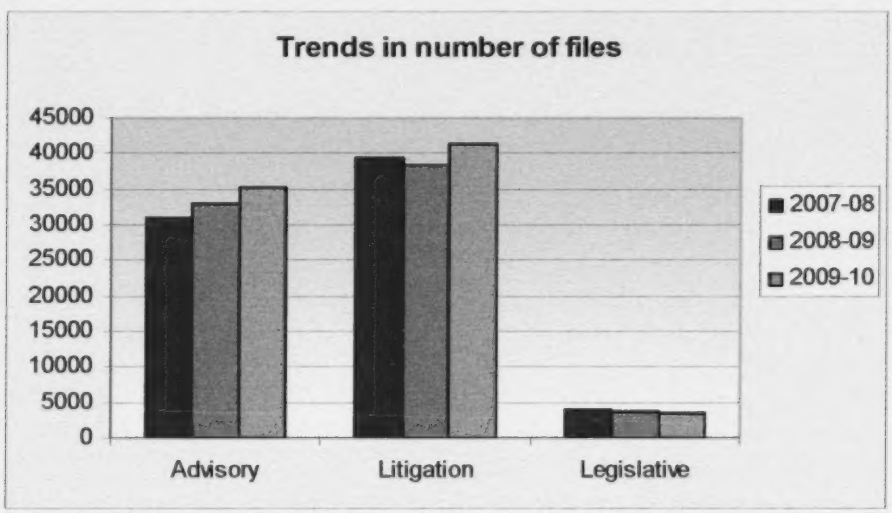
International Affairs

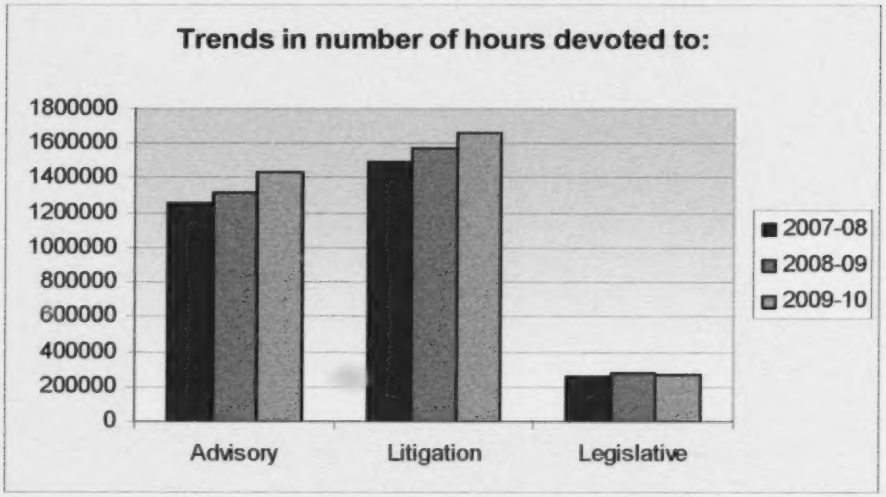
In support of a safe and secure world through international cooperation, the Department drafted Bill C-60 designed to implement the *Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations* between the Government of Canada and the Government of the United States of America. The Department also drafted legislation to implement free trade agreements in order to enhance Canada's trading relationships with the Hashemite Kingdom of Jordan and the Republic of Colombia.

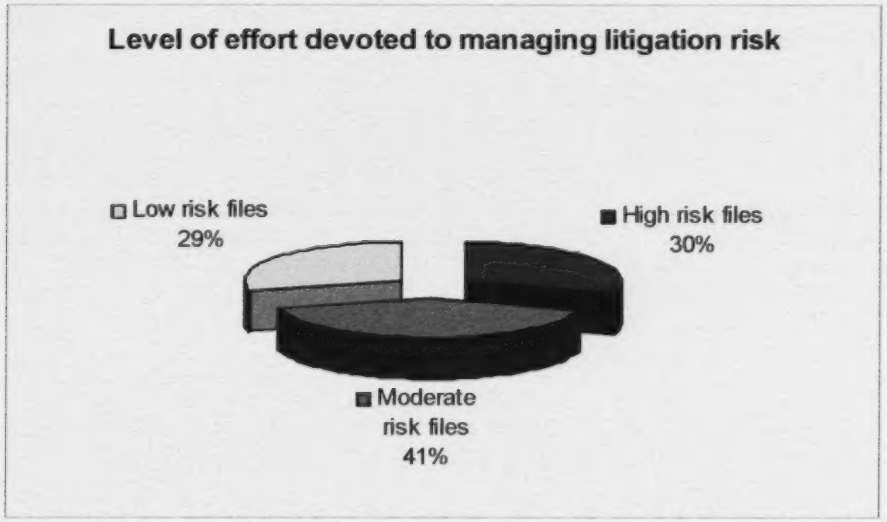
Performance Summary - Highlights

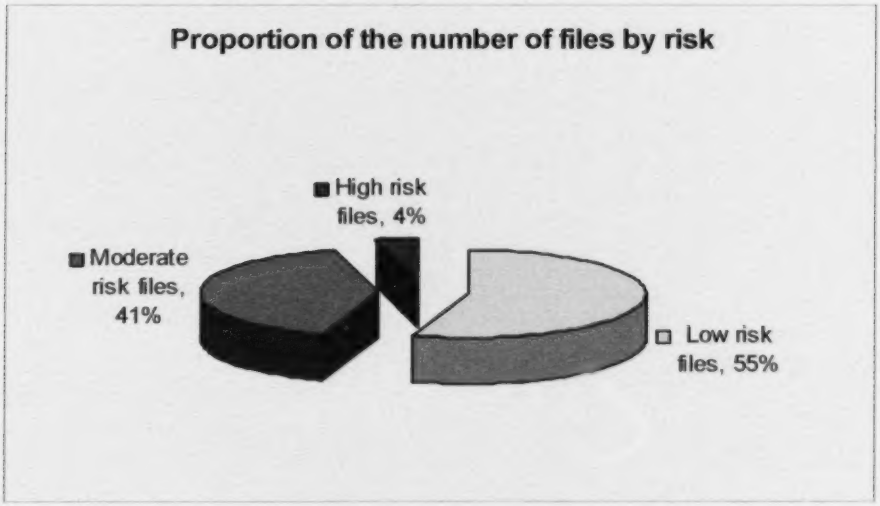
Representing the Crown's interest to enable the government to attain its priorities

During the reporting period, client demand for legal services continued to grow. In the past year, the level of effort devoted to providing legal advisory services to client departments increased by 10%. Similarly, the level of effort devoted to litigation files increased by 7 percent.




Trends in number of hours devoted to:
1800000
1600000
1400000
1200000
1000000
800000
600000
400000
200000
0
Advisory
Litigation
Legislative
2007-08
2008-09
2009-10


Level of effort devoted to managing litigation risk
Low risk files
29%
High risk files
30%
Moderate
risk files
41%



While only accounting for 4% of files, high risk litigation accounts for almost one third of the level of effort devoted to litigation files across the Department. In contrast, low risk files accounted for approximately the same proportion of the total level of effort devoted to litigation files, but they represent 55% of the inventory. The Department closely monitors the risk profile in order to allocate resources to effectively address the government litigation inventory. The Department continued its efforts to work with client departments to identify and manage legal risks in an effort to mitigate those risks. High risk litigation files demand a significant proportion of departmental resources. The following are some examples of significant litigation during the reporting period:

***United States of America v. Anekwu*:** The Supreme Court of Canada (SCC) resolved, in the Attorney General's favour, conflicting appellate decisions surrounding the admissibility of evidence collected in Canada in extradition proceedings. The decision is important in that it will contribute to a prompter and more efficient discharge of Canada's international obligations in extradition matters.

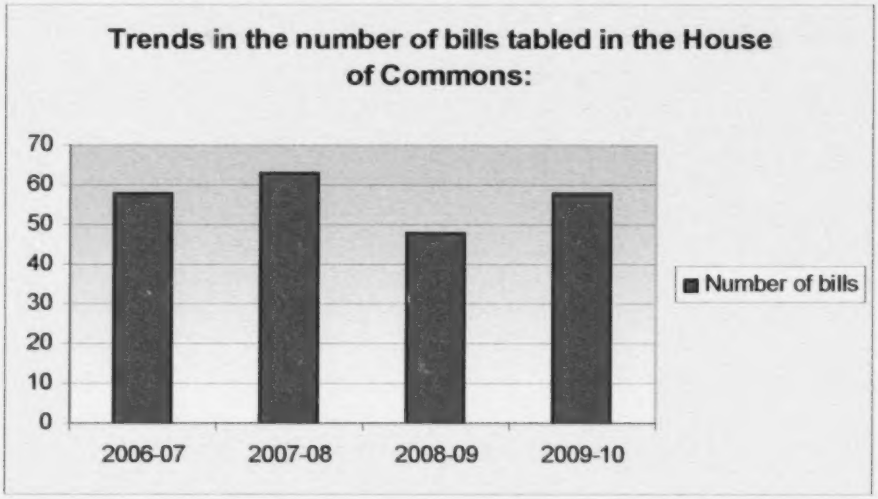
***Prime Minister of Canada v. Omar Khadr*:** The SCC overturned a Federal Court of Appeal ruling ordering Canada to request Mr. Khadr's repatriation from his detention at Guantanamo Bay, Cuba. The decision was a reaffirmation of the importance of the Crown prerogative in the conduct of foreign relations.

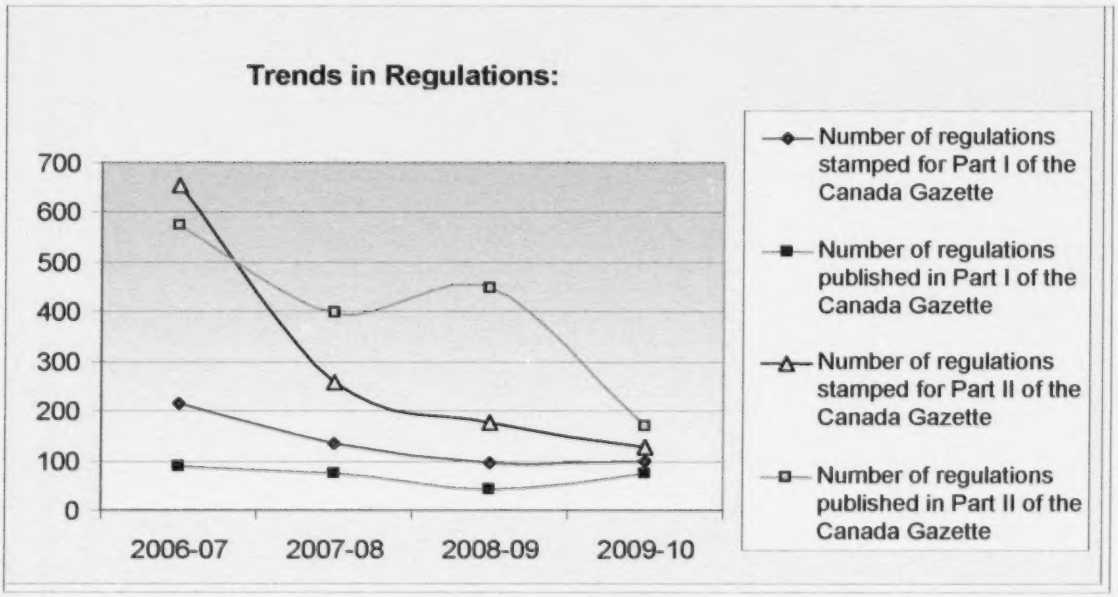
***Republic of Germany v. Schreiber*:** On August 2, 2009, Mr. Schreiber, who had been fighting his extradition from Canada to Germany for a decade, was surrendered to Germany for prosecution.

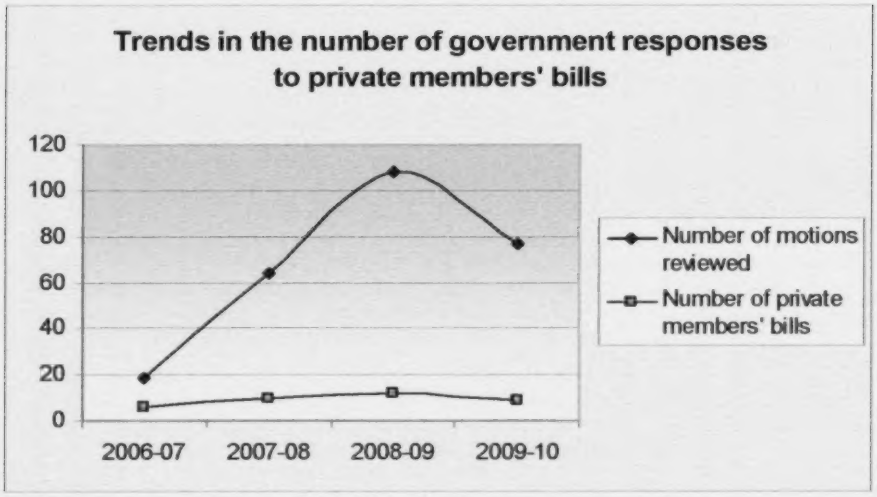
R v. McKay: The Federal Court of Appeal further clarified the scope of general anti-avoidance rules. The decision – from which leave to appeal to the Supreme Court of Canada was denied – precludes tax planners from alleging a nominal business purpose for a tax scheme to shield it from application of the scope of the general anti-avoidance rule.

Comprehensive delivery of the Government's legislative agenda

There was an increase in the number of bills drafted this year – up 10 from 48 to 58. Moreover, the number of Regulations published in Part I of the Canada Gazette increased by 32, while the number of Regulations published in Part II decreased by 50. There was a one percent increase over the reporting period in the number of hours devoted to the active management of legislative files including drafting of legislation and regulations.







Client-focused service delivery

Beginning in April 2009, Standardized Legal Service Agreements between the Department of Justice and client departments have incorporated Departmental Service Standards. The Department conducts a cyclical client feedback survey on a three-year rolling basis across government.

In November 2009, over 14,000 potential respondents from 23 client departments and agencies[30] were invited to participate in the Department of Justice Client Feedback Survey Cycle II. In total, 7524 respondents completed questionnaires, resulting in an overall response rate of 53%. Of these respondents, 3,032 individuals reported having used Justice legal services in the twelve months preceding the survey (40% usage rate).

Client feedback on the overall quality of legal advisory, litigation, legislative and regulatory drafting services is very positive. Average client ratings exceeded Departmental targets, demonstrating the Department's success in delivering client-focussed legal services.

The table on the next page highlights the client feedback on Departmental performance against service standards. For all service standards, the Departmental target is to attain a mean average rating of 8.0 on a ten-point Likert scale used to obtain feedback.

[30] The following Departments participated in the survey: Atlantic Canada Opportunities Agency, Agriculture and Agri-Food Canada, Canadian Environmental Assessment Agency, Quebec Region Economic Development Agency, Canadian Food Inspection Agency, Canadian International Development Agency, Competition Bureau, Canadian Space Agency, Department of Fisheries and Oceans, Environment Canada, Foreign Affairs and International Trade, Health Canada, Canadian Heritage, Human Resources Development Canada, Industry Canada, Infrastructure Canada, Library and Archives Canada, National Research Council, Natural Resources Canada, Parks Canada, Public Works and Government Services Canada, Transport Canada.

Service Standard	Client Feedback by Type of Service[31]			
	Advisory	Litigation	Legislative	Regulatory
Overall Quality of Services	8.3	8.2	8.4	8.4
Provision of services in either official language			9.3	
Provision of services with courtesy and respect			9.0	
Provision of regular and informative progress reports or ongoing feedback	7.0	7.6	7.2	7.4
Provision of clear and practical guidance on resolving legal issues	8.1	8.1	N|A	N|A
Involvement of clients in the development of legal strategy and positions	7.9	7.8	N|A	N|A
Identification of means to prevent and resolve legal disputes at the earliest opportunity	7.8	7.8	N|A	N|A
Development of drafting options appropriate to client policy and program objectives	N|A	N|A	8.2	8.2
Proposing appropriate solutions for identified legal and drafting issues	N|A	N|A	8.1	8.1
Identification of opportunities to implement policies and programs by administrative rather than legislative or regulatory means	N|A	N|A	7.7	7.4
Timely response to requests for legal services	7.5	8.0	7.9	7.8
Negotiate mutually agreed upon deadlines	7.6	7.8	7.8	7.6
Meet mutually agreed upon deadlines	7.7	8.0	7.8	7.7

Further details about the Department's performance at the sub-activity level can be accessed through its on-line results summary at: http://www.justice.gc.ca/eng/dept-min/pub/dpr-rr/2010/perfsumm-sommperf.html.

Lessons Learned

The implementation of the *Cabinet Directive on Streamlining Regulations* may have reduced the number of Gazetted regulations in comparison to previous fiscal years. By introducing more rigorous analysis of policy proposals, the Directive has, for example, encouraged consideration of alternative instruments to regulations and greater reliance on standards. Continuous changes in client demand for legal services mean the Department of Justice needs to be nimble in being able to shift resources to meet client needs effectively and efficiently. The current operating environment is also one where the Department is continuously exploring ways to improve how it delivers its services.

The client feedback survey enables the Department to incorporate client perceptions into service delivery, identify areas where service improvements may be needed, and jointly monitor (with clients) progress in meeting client needs and expectations over time.

The most recent results from the Client Feedback Survey demonstrate the Department's commitment to delivering high quality legal services to support client departments. The survey results have identified that the Departmental performance is in line with the targets for most of the service standards, however, there are some areas where the feedback suggests room for improvement. In particular, the results suggest that there is a need to focus greater efforts on providing clients with regular and informative feedback or progress reports on the status of legal files.

[31] All reported client feedback ratings have a margin of error of ±0.2 or less at the 95% confidence level.

Internal Services

Program Activity C1: Internal services					
2009–10 Financial Resources ($ millions)			**2009–10 Human Resources (FTEs)**		
Planned Spending	**Total Authorities[32]**	**Actual Spending**	**Planned**	**Actual**	**Difference**
$110.4	$114.9	$147.5	1,512	1,175	337[33]

Internal Services directly and indirectly support the provision of legal service to Government and the development of laws, policies and programs through the provision of information, advice, guidance and direction in a variety of areas, including: corporate legal services; human resources and professional development; information management and technology; administrative services (e.g., security, accommodations, contracting); planning and performance management; law practice management; gender-based analysis; communications; and financial management and control.

The Department's performance objective continues to be to meet or surpass government standards related to management capacity and practices as outlined and assessed through the annual Management Accountability Framework exercise led by Treasury Board Secretariat. The most recent assessment demonstrated that the Department is meeting or exceeding government standards in all areas of management assessed through the exercise. For further information regarding the MAF please see the Treasury Board Secretariat's web site at: http://www.tbs-sct.gc.ca/maf-crg/index-eng.asp.

[32] The Authorities do not include the Internal Services costs related to the provision of legal services to other government departments. The total spending, however, includes that portion of the revenues collected by the Department under the Net Vote Authority associated with the total authorities for Program Activity B1 Services to Government. Net Vote Authority will be realigned from Program Activity "Services to Government" in fiscal year 2010-2011 to more appropriately align revenues to costs.

[33] Note: Variance between planned and actual FTEs is primarily attributable to an increased demand for legal services by other government departments and a realignment of FTEs to more accurately reflect the distribution by PAA as a result of recent requirements to report on Internal Services.

SECTION III: SUPPLEMENTARY INFORMATION

Financial Highlights

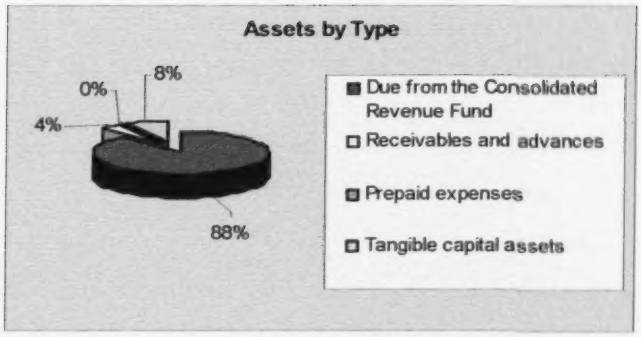
The financial highlights presented within this DPR are intended to serve as a general overview of Department of Justice financial positions and operations. The Department's financial statements are available on the web site at: http://canada.justice.gc.ca/eng/dept-min/pub/dpr-rr/index.html

($ thousands)			
Condensed Statement of Financial Position At end of Fiscal Year (March 31, 2010)	**% Change**	**2008–09**	**2009–10**
FINANCIAL ASSETS	11.1%	417,708	464,066
NON-FINANCIAL ASSETS	9.4%	36,914	40,367
Total Assets		454,622	504,433
TOTAL	**11.0%**	**454,622**	**504,433**
LIABILITIES			
Total Liabilities	4.1%	562,536	585,355
EQUITY			
Total Equity	-25.0%	-107,914	-80,922
TOTAL	**11.0%**	**454,622**	**504,433**

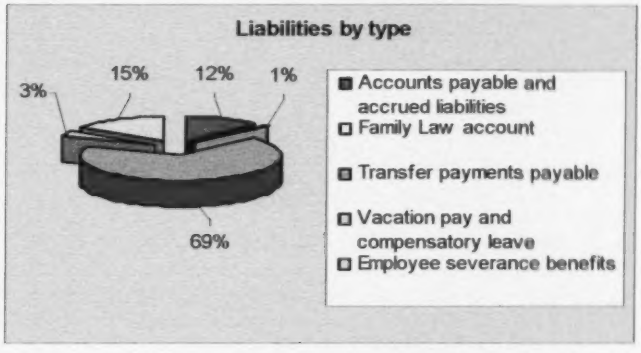
($ thousands)			
Condensed Statement of Operations At end of Fiscal Year (March 31, 2010)	**% Change**	**2008–09**	**2009–10**
EXPENSES	5.5%	1,018,965	1,075,361
Total Expenses	5.5%	**1,018,965**	**1,075,361**
REVENUES	11.8%	242,345	270,948
Total Revenues	11.8%	**242,345**	**270,948**
NET COST OF OPERATIONS	3.6%	**776,620**	**804,413**

Financial Highlights Charts/Graphs

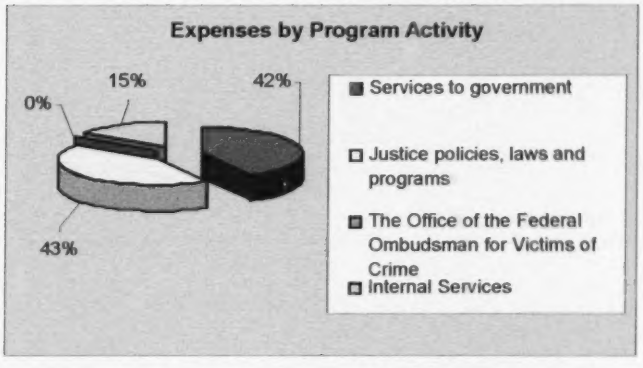
Total assets were approximately $504 million at the end of 2009-10, an 11% increase over the previous year's total. This is due to an increase in the Consolidated Revenue Fund of 10.5%. The Consolidated Revenue Fund represents 88% of total assets at approximately $445 million. Tangible capital assets represented approximately $40 million or 8% of total assets while receivables and advances represented approximately $19M or 4% of total assets.



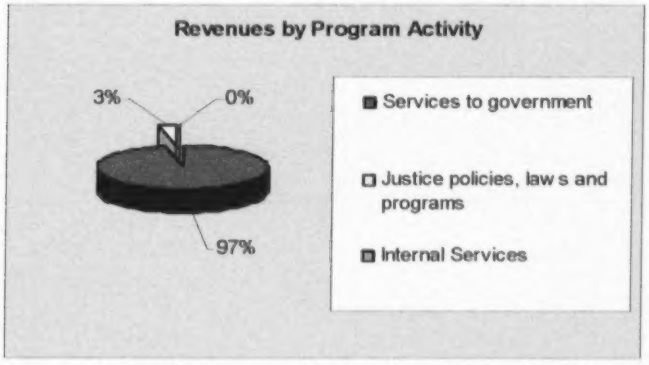
Total liabilities were $585 million at the end of 2009-10, a 4.1% increase from the previous year's total. Transfer payments payable represents the largest portion of liabilities at $400 millions or 69% of total liabilities and increased by 14.1% over the previous year.



Total expenses for the Department were $1,075 million in 2009-10, a 5.2% increase from the previous year's total. Of this amount $449.6M or 42% of funds were spent on Services to Government while Justice policies, laws and programs represented $462.5M or 43% of total expenses. The Justice policies, laws and programs represent the largest increase of 10.5% over the previous year.



The Department's total revenues amounted to approximately $271 million for 2009-10; an 11.8% increase from 2008-09. Ninety seven percent of the Department's revenue was derived from Services to government, a 12% increase over the previous year.



Financial Statements

The Department's financial statements are available on the web site at:
http://canada.justice.gc.ca/eng/dept-min/pub/dpr-rr/index.html

List of Supplementary Information Tables

All electronic supplementary information tables found in the 2009–10 Departmental Performance Report can be found on the Treasury Board of Canada Secretariat's website at: http://www.tbs-sct.gc.ca/dpr-rmr/2009-2010/index-eng.asp.

- Sources of Respendable and Non-respendable Revenue
- User Fees/External Fees
- Details on Transfer Payments Programs
- Horizontal Initiatives
- Green Procurement
- Response to Parliamentary Committees and External Audits
- Internal Audits and Evaluations